

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

JUSTIN GARDNER,

Petitioner,

vs.

STATE OF NEBRASKA,

Respondent.

**8:18CV557**

**ORDER**

This matter is before the court on the Notice of Appeal (filing 35) filed by Petitioner on June 2, 2022, and a memorandum from the Clerk of the Court requesting a ruling as to Petitioner's authorization to proceed in forma pauperis ("IFP") on appeal (filing 36). Petitioner seeks to appeal the court's March 31, 2022 Memorandum and Order (filing 31) denying his request for relief regarding his inability to file additional notices of appeal.

This is Petitioner's third appeal in this long-closed habeas case. The Eighth Circuit Court of Appeals dismissed his two previous appeals. In light of that, I certify that this appeal is frivolous and not taken in good faith, and Petitioner may not proceed in forma pauperis on appeal. *See* Fed. R. App. P. 24(a)(3) and 28 U.S.C. § 1915(a)(3).

IT IS THEREFORE ORDERED that: Petitioner may not proceed on appeal in forma pauperis. This matter is closed, and Petitioner should refrain from filing any further frivolous appeals.

Dated this 8th day of June, 2022.

BY THE COURT:

A handwritten signature in blue ink that reads "Richard G. Kopf". The signature is written in a cursive, flowing style.

Richard G. Kopf  
Senior United States District Judge